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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Administration of the) CC Docket No. 92-237
North American Numbering Plan)
Carrier Identification Codes (CICs))
_____)

COMMENTS OF THE UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA),¹ through the undersigned, hereby comments on the ex parte letters of MCI Communications Corporation (MCI)² and VarTec Telecom, Inc. (VarTec)³ that were filed in the above-captioned proceeding. These comments are being filed pursuant to the Public Notice released on March 26, 1998, which asked for comments limited to the issues raised by MCI and VarTec concerning: 1) the standard intercept message to be offered by local exchange carriers (LECs) in order to inform callers that a dialing pattern change has occurred; and 2) the use of Special Information Tones (SITs).⁴ USTA asks the Commission to support the consensus result reached in the Network Interconnection and Interoperability Forum (NIIF) and deny the requests for intervention made by MCI and VarTec.

¹ USTA is the nation's oldest trade organization for the local exchange carrier industry. USTA currently represents more than 1200 small, mid-size and large companies worldwide.

² Filed with the Federal Communications Commission (Commission) on March 17, 1998.

³ Filed with the Commission on March 23, 1998.

⁴ Public Notice, CC Docket No. 92-237, DA 98-591 (rel. Mar. 26, 1998).

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DISCUSSION

The Commission has before it two petitioners who raise two issues related to implementation of the industry move to four digit carrier identification codes and seven digit carrier access codes. The first issue is the appropriateness of an industry forum adopted standard intercept message. The second issue is the appropriateness of using SITs in front of the standard intercept message.

As to the standard intercept message, the petitioners take diametrically opposing positions. MCI contends that the message adopted in the consensus process at the NIIF uses unnecessary language, discourages callers from accessing interexchange carrier (IXC) services and imposes an anti-competitive hardship on IXCs. Further, MCI asserts that these disabilities are the product of a conspiracy by the Regional Bell Operating Companies (RBOCs) to harm competition in the intraLATA toll market. The disabilities that MCI alludes to are all attributed to seven words located at the front of the adopted message -- "Your call cannot be completed as dialed." MCI contends that these seven dirty words should be stripped from the message, and it pleads its case to the Commission in hopes that the Commission will ban their use in the message.

On the other hand, VarTec expresses grave concern that the message will not be used as adopted in the NIIF. VarTec, an IXC that specializes in dial-around long distance service, states that "[a]fter several discussions of the issue, during which contributions were submitted and

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alternative language proposed, the NIIF reached consensus on a standard intercept message.”⁵

VarTec contends that consumers will be harmed if the adopted message is not used universally by LECs.

It is not USTA’s intention to make light of the petitioners concerns. If they did not consider the concerns to be serious, they presumably would not have brought them to the Commission’s attention. Nonetheless, the contrast in perspectives as to the NIIF consensus process and the appropriateness of the adopted message is quite stark. The question that is presented to the Commission as a result of these two filings is, should the Commission upset the consensus decision of a broad-based industry forum (whose participants clearly included IXCs other than MCI and VarTec) when the concerns that have been brought to it are as contrasting as these. USTA submits that the answer is no. The Commission should allow the industry to implement the standard intercept message that was adopted by consensus in the NIIF.

Through its normal processes, the NIIF agreed to place the standard intercept issue (Issue No. 78) in final closure on February 12, 1998. Among the affected carriers, only MCI and VarTec objected to closing the issue. The process was open, and it was conducted fairly. Only one carrier now objects to the adopted message. USTA believes that just as MCI failed to demonstrate in the forum process that there is any significant deficiency with the adopted message, it has also failed to do so in the filing now before the Commission. Absent a clear and demonstrable showing of harm, the Commission should not risk undermining the forum process

⁵ VarTec ex parte at p. 3.

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by modifying the adopted standard intercept message. Participating carriers and organizations invested substantial time and labor in the process, and if the product of their efforts can be too easily cast aside, it becomes more difficult to summon the same level of commitment to the process in the future.

As to the matter of using SITs in front of the standard intercept message, MCI and VarTec share the view that they should not be used. Their mutual concern is that when callers hear the SITs, they will hang up without listening to the message; and therefore, the opportunity to educate callers concerning the changed dialing pattern will be lost.

MCI indicates that its concern is supported by research, but it does not present the research with its filing. In the NIIF process, not only did MCI not present its research for the forum participants to consider, it did not raise the issue of SITs at all. Likewise, the SITs issue was not raised by VarTec in the NIIF.

Concerns like this one are best discussed and validated in the forum process where the collective experiences of all affected carriers can be heard and considered. It undermines the forum process when participants hold back concerns and then spring them upon the industry in filings with the Commission. MCI and VarTec should have brought their concern and their documentation about SITs to the NIIF. They certainly have not cured that defect by failing to present any support for their concern with their filings.


SITs can be valuable since they allow carriers to collect data on the number of callers directed toward a particular announcement. Such information can be useful in determining when an announcement is no longer needed. Accordingly, in the absence of a showing by MCI and

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VarTec that the use of SITs will prove counter-productive, the Commission should allow the industry to employ SITs in this instance on an optional basis.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

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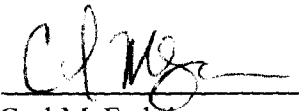
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April 10, 1998

CERTIFICATE OF SERVICE

I, Carl McFadgion, do certify that on April 10, 1998 copies of the Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the person on the attached service list.



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